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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,090	10/25/2001	Michael S. Gatov	01-709	8506
24319	7590	10/21/2003	EXAMINER	
LSI LOGIC CORPORATION 1621 BARBER LANE MS: D-106 LEGAL MILPITAS, CA 95035			BOLES, DEREK	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,090

Applicant(s)

GATOV, MICHAEL S.

Examiner

Derek S. Boles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8, 9, 22, 23 and 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ziemer et al. (4,554,766). See 7 for blower, 20 & 23 for plenum, 19 for air diffuser. Regarding claim 2, see fig. 1. Regarding claims 2 and 9, see fig. 1. Regarding claims 3 and 4, see col. 4, lines 30-36. Regarding claim 8, see fig. 2. Regarding claim 23, see col. 5, lines 3-8.

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Lindstrom (3,726,204). See fig. 1. and col. 2, lines 46-61.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 10 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziemer et al. in view of Larsson (6,080,060). Ziemer et al. discloses all of the limitations of the claim except for a filter being disposed between the blower and the plenum. Larsson discloses the presence of a filter being disposed between the blower and the plenum. See 17 and col. 1, lines 15-17. Hence, one skilled in the art would find it obvious to modify the system of Ziemer

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et al. to include the filter being disposed between the blower and the plenum of Larsson for the purpose of increase air cleansing.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ziemer et al. in view of Larsson and in further view of Horneff et al. (3,824,909). Ziemer et al. in view of Larsson discloses all of the limitations of the claim except for holes having varying cross-sectional areas. Horneff et al. discloses the presence of holes having varying cross-sectional areas. See col. 3, lines 36-42. Hence, one skilled in the art would find it obvious to modify the system of Ziemer et al. in view of Larsson to include holes having varying cross-sectional areas of Horneff et al. for the purpose of better airflow control.

Claims 7, 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziemer et al. in view of Chang et al. (5,788,567). Ziemer et al. discloses all of the limitations of the claim except for the diffuser being formed of static charge dissipating material. Chang et al. discloses the presence of a diffuser being formed of static charge dissipating material. See col. 2, lines 20-25. Hence, one skilled in the art would find it obvious to modify the system of Ziemer et al. to include the diffuser being formed of static charge dissipating material of Chang et al. for the purpose of electronic protection.

Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziemer et al. in view of Horneff et al. (3,824,909). Ziemer et al. discloses all of the limitations of the claim except for the range of airflow holes being between 0.125" and 0.5". Horneff et al. discloses the presence of a range of airflow holes being between 0.125" and 0.5". See col. 3, lines 36-53. Hence, one skilled in the art would find it obvious to modify the system of Ziemer

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et al. to include the range of airflow holes being between 0.125" and 0.5" of Horneff et al. for the purpose of slowing the airflow.

Claims 13-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wurst et al. (4,963,069) in view of Lindestrom (3,726,204). Wurst et al. discloses all of the limitations of the claim except for the first side of the plate to experience a first pressure and the second side to experience a pressure lower than the first pressure when the plate is disposed in an airflow. Lindestrom discloses the presence of a first side of the plate to experience a first pressure and the second side to experience a pressure lower than the first pressure when the plate is disposed in an airflow. See 8 and col. 2, lines 49-61. Hence, one skilled in the art would find it obvious to modify the system of Wurst et al. to include the first side of the plate to experience a first pressure and the second side to experience a pressure lower than the first pressure when the plate is disposed in an airflow of Lindestrom for the purpose of adjusting airflow velocity. Regarding claims 14 and 15, see fig. 1. Regarding claim 19, see abstract of Lindestrom.

Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wurst et al. in view of Lindestrom and in further view of Horneff et al. Wurst et al. in view of Lindestrom discloses all of the limitations of the claim except for the plurality of holes range in size from 0.125" to 0.5". Horneff et al discloses the presence of plurality of holes range in size from 0.125" to 0.5". See col. 3, lines 36-53. Hence, one skilled in the art would find it obvious to modify the system of Wurst et al. in view of Lindestrom to include a plurality of holes range in size from 0.125" to 0.5" of Horneff et al for the purpose of adjustability.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wurst et al. in view of Lindestrom and in further view of Chang et al. Wurst et al. in view of Lindestrom

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discloses all of the limitations of the claim except for diffuser being formed of static charge dissipating material. Chang et al discloses the presence of diffuser being formed of static charge dissipating material. See col. 2, lines 20-25. Hence, one skilled in the art would find it obvious to modify the system of Wurst et al. in view of Lindestrom to include a diffuser being formed of static charge dissipating material of Chang et al for the purpose of adjustability.

Response to Arguments

Applicant's arguments filed 8/11/03 have been fully considered but they are not persuasive. In the field of microchip production, process chamber and clean room are synonyms. **19** is a plate with capillary tubes (apertures), see col. 4, lines 61-66. The plenum of the prior art is chambers **20** and **23** with ceiling **14** merely being placed inside the plenum. Regarding claim 9, figs. 1 and 2 illustrate a cube. Regarding claim 21, see col. 2, lines 31-36. Regarding cross-sectional differences see col. 2, lines 46-57. In response to applicant's argument that Larson fails to correct the deficiencies in Ziemer regarding the filter placement, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge

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gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek S. Boles at (703) 308-1804 or fax number (703) 746-4569. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861. The Supervisory Primary Examiner for Art Unit 3749 is Ira Lazarus who can be reached at (703) 308-1935.

D.S.B.


DEREK S. BOLES
PRIMARY EXAMINER
GROUP 3700

10/16/03